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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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10 IN RE: Bard IVC Filters Products
11 Liability Litigation,
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No. MDL 15-02641-PHX-DGC

CASE MANAGEMENT ORDER NO. 49

14 Pursuant to Case Management Order (“CMO”) No. 48 (Doc. 21740), the parties
15 have filed status reports identifying previously dismissed cases that are ripe for
16 reinstatement. Docs. 21750 at 2, 21776 at 2 & n.2. A number of cases were voluntarily
17 dismissed without prejudice and without being settled, the parties having entered into a
18 tolling agreement so they could continue settlement discussions outside the confines of this
19 MDL. *See* Doc. 21526 at 1-2. Some Plaintiffs in these cases have since opted out of the
20 proposed settlements. *See id.* Because CMO 42 – which governs the settlement process
21 in this MDL – does not permit cases that have failed to settle to be dismissed from the
22 MDL without prejudice only to be refiled as new cases, the Court has concluded that the
23 dismissal orders in these opt-out cases must be vacated and the cases reinstated in the MDL.
24 *See* Docs. 16343, 21527, 2154. After reinstatement, the cases will be remanded or
25 transferred to appropriate courts for further litigation consistent with the MDL of which
26 they have been a part. *See* Doc. 21740 at 2.

27 On January 27, 2021, a telephonic status hearing was held to address 217 dismissed
28 cases in which the Plaintiffs had not accepted or opted out of settlements. *See id.* at 3;

1 Doc. 21734 at 5-6. Of the 217 cases at issue, counsel state that thirteen Plaintiffs have
2 accepted the settlement and four have chosen to opt-out. Doc. 21776 at 2. Plaintiffs in the
3 remaining 200 cases either cannot be located, are not responding to counsel's inquiries, are
4 deceased with no known heirs, or have not yet made a decision on the offered settlements.
5 *Id.* at 2-4.

6 The Court will grant counsel's request to continue until March 15, 2021 their efforts
7 to locate, contact, and secure settlement decisions from these Plaintiffs. As stated on the
8 record and agreed to by counsel for both sides, the Court will dismiss with prejudice any
9 cases in which, by March 15, 2021, the Plaintiffs or their heirs cannot be located, the
10 Plaintiffs remain non-responsive, or the Plaintiffs fail to make a settlement decision. These
11 cases will be dismissed with prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

12 **IT IS ORDERED:**

13 1. The dismissal orders in the cases listed on Attachment A are **vacated**. The
14 Clerk is directed to reinstate each case in this MDL.

15 2. Settlement decisions from the Plaintiffs in the remaining 200 dismissed
16 cases (*see* Doc. 21776) must be made by **March 15, 2021**.

17 3. A telephonic hearing is set for **March 19, 2021 at 2:00 p.m.** Plaintiffs'
18 counsel shall file an updated status report, and provide the dial-in information for the
19 hearing to counsel for all parties and the Court, no later than **5:00 p.m. on March 17, 2021**.

20 Dated this 1st day of February, 2021.

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24 David G. Campbell
25 Senior United States District Judge
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**Order Vacating Dismissal Orders and Reinstating Cases in the MDL
(February 1, 2021)**

Attachment A to CMO 49

Plaintiffs	Case Number	Dismissal Order (Doc. No.)	Dismissal Date
Burroughs, Ronnie D	2:19-cv-00459-PHX-DGC	20896	11/20/2019
Coats, Russell	2:16-cv-02136-PHX-DGC	21015	1/3/2020
Davis, Donald	2:19-cv-03501-PHX-DGC	20988	12/9/2019
Keene, Thomas	2:17-cv-03996-PHX-DGC	21217	1/9/2020
Thomas, Vincent Wayne	2:16-cv-01221-PHX-DGC	20990	12/16/2019
Paxton, James A	2:17-cv-01775-PHX-DGC	21041	1/14/2020
Sutton, Rodney V	2:17-cv-02208-PHX-DGC	21014	12/18/2019
Wilhite, Cindy Denise	2:17-cv-01933-PHX-DGC	21017	1/3/2020
Contreras, Junnigh	2:17-cv-00857-PHX-DGC	21015	1/3/2020
Dew, John	2:19-cv-01873-PHX-DGC	21047	1/10/2020
Lee, Rumell Gerard	2:19-cv-01136-PHX-DGC	20900	11/21/2019
Vanderupwich, Robert	2:19-cv-00145-PHX-DGC	21005	12/17/2019
Williams, Juanita L	2:19-cv-01646-PHX-DGC	21017	1/3/2020
Encalade, Tammy	2:18-cv-04558-PHX-DGC	20897	11/20/2019
Lee, Micheline Elaine	2:19-cv-03977-PHX-DGC	20999	12/16/2019
Lee, Mister JC	2:19-cv-01897-PHX-DGC	21003	1/2/2020
Olsen, Joseph E	2:18-cv-02044-PHX-DGC	20987	1/8/2020
Smith, James B	2:18-cv-01831-PHX-DGC	21002	1/8/2020
Leyva, Elizabeth	2:16-cv-01758-PHX-DGC	21041	1/14/2020
Ortiz, Rosa	2:19-cv-04229-PHX-DGC	21269	1/13/2020

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(February 1, 2021)**

Plaintiffs	Case Number	Dismissal Order (Doc. No.)	Dismissal Date
Perez, Manuel	2:17-cv-01064-PHX-DGC	20981	12/10/2019
Dengler, Mary	2:18-cv-00592-PHX-DGC	20974	12/10/2019
Forbes, Christopher L	2:19-cv-00464-PHX-DGC	20897	11/20/2019
Fletcher, Louis Floyd	2:16-cv-01820-PHX-DGC	21015	1/3/2020
Bernstein, Helene	2:16-cv-01775-PHX-DGC	21015	1/3/2020
Coleman, Curtis E	2:17-cv-03698-PHX-DGC	20897	11/20/2019
Conner, Franklin Glenn	2:17-cv-04387-PHX-DGC	20978	12/4/2019
Hepler, Kim M	2:16-cv-00630-PHX-DGC	21041	1/14/2020
Hunter, Kemene A	2:18-cv-04369-PHX-DGC	20898	11/21/2019
Jordan, Eileen	2:18-cv-01343-PHX-DGC	20898	11/21/2019
Loewer, Sr, Sean Parker	2:17-cv-02966-PHX-DGC	21045	1/10/2020
Shockley, Sr, William Joseph	2:18-cv-00314-PHX-DGC	21001	1/7/2020
Tait, Virginia	2:19-cv-03028-PHX-DGC	21002	1/8/2020
Trenkle, Angel Damaris	2:19-cv-01018-PHX-DGC	21002	1/8/2020
Turner, Janet V	2:19-cv-01233-PHX-DGC	20972	12/4/2019
Hiatt, Neal	2:19-cv-00799-PHX-DGC	21045	1/10/2020
MacEachern, David A	2:17-cv-02497-PHX-DGC	21419	1/31/2020
Chery, Antoine J	2:18-cv-03523-PHX-DGC	20896	11/20/2019
Haas, James	2:17-cv-04177-PHX-DGC	21037	12/30/2019
Pinckney, VaRawn	2:19-cv-01964-PHX-DGC	21033	12/18/2019
Sherwin, Louis Lee	2:16-cv-03962-PHX-DGC	21017	1/3/2020

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Plaintiffs	Case Number	Dismissal Order (Doc. No.)	Dismissal Date
Weber, III, Louis Henry	2:19-cv-01169-PHX-DGC	21004	1/8/2020
Jester, Dena J	2:19-cv-03945-PHX-DGC	20999	12/16/2019
Dukes, Benjamin	2:18-cv-03629-PHX-DGC	20897	11/20/2019
Jackson, Edna M	2:18-cv-03427-PHX-DGC	20996	1/6/2020
Jett, John	2:18-cv-03634-PHX-DGC	20685	10/25/2019
Johnson-Winfrey, Sophelia	2:17-cv-04301-PHX-DGC	21041	1/14/2020
Williams, Tamika E	2:15-cv-01956-PHX-DGC	21017	1/3/2020
Kirkland, Jr, Robert	2:17-cv-03936-PHX-DGC	20974	12/10/2019
Mathis, Reginald	2:17-cv-03469-PHX-DGC	20998	1/7/2020
Turner, John Trevor	2:16-cv-00816-PHX-DGC	20978	12/4/2019
Grant, James L	2:17-cv-04425-PHX-DGC	20978	12/4/2019
Schneider, Charles A	2:18-cv-01691-PHX-DGC	21001	1/7/2020
Ostap, Jerry A	2:16-cv-02342-PHX-DGC	21041	1/14/2020
Zeledon, Frank	2:18-cv-04423-PHX-DGC	20902	11/21/2019
Stevens, Bill R	2:18-cv-03823-PHX-DGC	21108	12/11/2019
Godsell, Daniel E	2:18-cv-02091-PHX-DGC	21014	12/18/2019
Foy, Darrin	2:19-cv-00443-PHX-DGC	20897	11/20/2019
Boggs, Kristina R	2:19-cv-02947-PHX-DGC	20984	12/9/2019
Agnelly, John	2:16-cv-00608-PHX-DGC	21007	12/17/2019
Hall, Joshua	2:19-cv-01140-PHX-DGC	20898	11/21/2019
Stuart, Michael B	2:18-cv-03381-PHX-DGC	21108	12/11/2019

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Plaintiffs	Case Number	Dismissal Order (Doc. No.)	Dismissal Date
Gerideau, Derick Jermaine	2:17-cv-00411-PHX-DGC	20990	12/16/2019
Realy, Paulette M	2:18-cv-04477-PHX-DGC	20900	11/21/2019
Mills, Stephanie	2:16-cv-03401-PHX-DGC	20985	12/11/2019
Vukovich, Linda	2:19-cv-00980-PHX-DGC	21004	1/7/2020
Lauer, Timothy	2:19-cv-00113-PHX-DGC	21003	1/2/2020
Nicol, James	2:16-cv-02853-PHX-DGC	3815	10/28/2016
Henley, Ginger Geraldine	2:19-cv-03949-PHX-DGC	20999	12/16/2019
Mace, Larry Melvin	2:18-cv-02731-PHX-DGC	21271	1/13/2020
Barnett, Stephanie	2:19-cv-02875-PHX-DGC	20984	12/9/2019
Morgan, Albert R	2:18-cv-04447-PHX-DGC	20978	12/4/2019
Thomas, Carrie L	2:18-cv-04450-PHX-DGC	21108	12/11/2019
Hamilton, Gary F	2:16-cv-01581-PHX-DGC	20978	12/4/2019
Haralson, Candace D	2:19-cv-00642-PHX-DGC	20898	11/21/2019
Huffman, Roger N	2:18-cv-03488-PHX-DGC	20898	11/21/2019
Pitts, Robin	2:19-cv-01081-PHX-DGC	21001	1/7/2020
Mitchell, Mary	2:19-cv-02528-PHX-DGC	21006	12/17/2019
Watts, Christy A	2:17-cv-03449-PHX-DGC	20902	11/21/2019
Terrell, Donald	2:18-cv-04490-PHX-DGC	21108	12/11/2019
Mason, Devin L	2:18-cv-03768-PHX-DGC	20900	11/21/2019
Parsons, Latiesha Lashea	2:16-cv-00887-PHX-DGC	21041	1/14/2020
Ross, Charles Theodore	2:18-cv-03278-PHX-DGC	21108	12/11/2019

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Simpson, Bradley J	2:18-cv-00098-PHX-DGC	20972	12/4/2019
Britt, Stephanie	2:18-cv-03170-PHX-DGC	21015	1/3/2020
Murphy, Orndary Foster	2:17-cv-01225-PHX-DGC	20987	1/7/2020
Stephens, Chico	2:19-cv-04211-PHX-DGC	20999	12/16/2019
Gallegos, Anna	2:19-cv-03436-PHX-DGC	20995	1/6/2020
Izor, William	2:19-cv-03495-PHX-DGC	20996	1/6/2020
Edging, Michael W	2:17-cv-02960-PHX-DGC	21003	1/2/2020
Fairchild, Patricia	2:17-cv-03885-PHX-DGC	21021	1/10/2020
Griego, Nestor	2:19-cv-00929-PHX-DGC	20981	12/10/2019
Benitez, Shashawna E Jones	2:16-cv-04111-PHX-DGC	21041	1/14/2020
Costanzo, Nicole	2:17-cv-00460-PHX-DGC	21015	1/3/2020
Edwards, Monica	2:16-cv-02785-PHX-DGC	21015	1/3/2020
Murphy, Cecilia	2:19-cv-01924-PHX-DGC	21003	1/2/2020
Turner, Clevon	2:19-cv-02029-PHX-DGC	21017	1/3/2020
Forkey, Ann M	2:18-cv-01938-PHX-DGC	20995	1/6/2020
Pasha, Yusef S	2:17-cv-03899-PHX-DGC	21030	1/9/2020
Rhoden, Sr, Hugh M	2:19-cv-00593-PHX-DGC	21108	12/11/2019
Vails, Eleanor L	2:17-cv-03413-PHX-DGC	20902	11/21/2019
Amatore, Rosalie M	2:17-cv-03864-PHX-DGC	21018	1/8/2020
McGreath, John	2:19-cv-00659-PHX-DGC	20900	11/21/2019
Burrows, Jr, Albert W	2:18-cv-01645-PHX-DGC	21048	12/30/2019

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Mattwig, Michael J	2:17-cv-01505-PHX-DGC	21041	1/14/2020
Overton, Victoria	2:18-cv-00150-PHX-DGC	21003	1/2/2020
Shehadeh, Abdel Hameed	2:18-cv-00768-PHX-DGC	21424	1/31/2020
Smith, Carol	2:19-cv-00904-PHX-DGC	21002	1/8/2020
Liston, Jessica	2:19-cv-01167-PHX-DGC	20998	1/7/2020
Allen, George R	2:17-cv-03484-PHX-DGC	20896	11/20/2019
Deane, Betsie C	2:17-cv-03288-PHX-DGC	21003	1/2/2020
Guiteras, Gregory	2:18-cv-02495-PHX-DGC	20995	1/6/2020
Holmes, Troy A	2:17-cv-03841-PHX-DGC	21023	1/8/2020
James, Priscilla	2:17-cv-01951-PHX-DGC	21003	1/2/2020
Confer, Sr, Robert E	2:17-cv-04678-PHX-DGC	21020	1/8/2020
Henry, James E	2:16-cv-00228-PHX-DGC	20898	11/21/2019
Kissinger, David A	2:17-cv-03074-PHX-DGC	20660	10/29/2019
Samuels, Robert A	2:19-cv-00658-PHX-DGC	21108	12/11/2019
Lanham, Jasson T	2:18-cv-03699-PHX-DGC	20900	11/21/2019
Morgan, James Ronald	2:16-cv-04109-PHX-DGC	21041	1/14/2020
Tanner, Laura C	2:17-cv-03988-PHX-DGC	21005	12/17/2019
Buchanan, Barbara	2:16-cv-02090-PHX-DGC	20973	12/4/2019
Cole, Samuel	2:19-cv-01413-PHX-DGC	21424	1/31/2020
Royston, Larry D	2:17-cv-03423-PHX-DGC	21108	12/11/2019
Adams, Timothy Ora	2:19-cv-01078-PHX-DGC	21099	12/9/2019

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Plaintiffs	Case Number	Dismissal Order (Doc. No.)	Dismissal Date
McNeal, Curtisteen	2:17-cv-03642-PHX-DGC	20900	11/21/2019
Cobb, Lance Anthony	2:18-cv-04691-PHX-DGC	21038	12/30/2019
Phillips, Jimmy	2:19-cv-02270-PHX-DGC	21424	1/31/2020
Buie, Hal Wesley	2:19-cv-00759-PHX-DGC	20984	12/9/2019
Gordon, Beulah	2:19-cv-03411-PHX-DGC	20995	1/6/2020
Hayes, Curley Gene	2:16-cv-02061-PHX-DGC	21041	1/14/2020
Miller, Ben	2:19-cv-01437-PHX-DGC	21003	1/2/2020
Moore, Carlton Lamon	2:19-cv-00165-PHX-DGC	20987	1/7/2020
Vela, Jeffery S	2:18-cv-02941-PHX-DGC	20902	11/21/2019
Ameel, Alexis A	2:16-cv-02766-PHX-DGC	20983	12/5/2019
Barker, James A	2:17-cv-03656-PHX-DGC	20896	11/20/2019
Fontenot, Effie	2:18-cv-01166-PHX-DGC	20995	1/6/2020
Irwin, Alvis Lynn	2:17-cv-03084-PHX-DGC	20898	11/21/2019
Robinson, Lonnie Mae	2:19-cv-02547-PHX-DGC	21108	12/11/2019
Timberlake, Calvin R	2:16-cv-03999-PHX-DGC	21017	1/3/2020
Floyd, Kenneth	2:19-cv-02526-PHX-DGC	21006	12/17/2019
Savetwith, Susan L	2:18-cv-03465-PHX-DGC	21038	12/30/2019
Crum, Terry G	2:19-cv-00630-PHX-DGC	20897	11/20/2019
Ablan, Charles John	2:19-cv-00825-PHX-DGC	21185	1/3/2020
Keaton, Terry Kenneth	2:19-cv-03948-PHX-DGC	21128	12/16/2019
Blair, Edward	2:16-cv-01677-PHX-DGC	21185	1/3/2020

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(February 1, 2021)**

Plaintiffs	Case Number	Dismissal Order (Doc. No.)	Dismissal Date
Jett-Williams, Sandy L	2:18-cv-04621-PHX-DGC	20967	11/21/2019